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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

DOUG LITTLE – Chairman  
BOB STUMP  
BOB BURNS  
TOM FORESE  
ANDY TOBIN

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AZ CORP COMMISSION  
DOCKET CONTACT

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Arizona Corporation Commission

DOCKETED

JUN 24 2016

DOCKETED BY

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IN THE MATTER OF THE APPLICATION OF  
WAYWARD WINDS FOR APPROVAL OF THE  
SALE OF ASSETS AND/OR CANCELLATION OF  
ITS CERTIFICATE OF CONVENIENCE AND  
NECESSITY.

DOCKET NO. W-20553A-16-0093

PROCEDURAL ORDER

**BY THE COMMISSION:**

On March 15, 2016, Wayward Winds (“Wayward” or “Company”), filed with the Arizona Corporation Commission (“Commission”) an application to cancel the Company’s Certificate of Convenience and Necessity (“Application”).

On April 4, 2016, the Commission’s Utilities Division (“Staff”) sent the Company an Insufficiency Letter and data requests.

Wayward filed its responses to the data requests on May 2, 2016.

On June 1, 2016, Staff submitted its Sufficiency Letter, stating that Wayward’s Application had met the sufficiency requirements of Arizona Administrative Code (“A.A.C.”) R14-2-402.

Pursuant to a Procedural Order issued June 7, 2016, a procedural conference was held on June 24, 2016, during which the parties stated they did not believe that a hearing in this matter was necessary. The concerns about providing adequate notice to the property owners within the certificated area was also discussed.

IT IS THEREFORE ORDERED that Staff shall file its **Staff Report** on or before **September 2, 2016**.

IT IS FURTHER ORDERED that Wayward Winds shall file its **comments to the Staff Report** on or before **September 16, 2016**.

IT IS FURTHER ORDERED that Wayward Winds shall serve notice of the Application and the right to request a hearing in this matter in the following form and style:

**APPLICATION OF WAYWARD WINDS FOR CANCELLATION  
OF ITS CERTIFICATE OF CONVENIENCE AND NECESSITY  
(DOCKET NO. W -20553A-16-0093)**

On March 15, 2016, Wayward Winds ("Company") filed with the Arizona Corporation Commission ("Commission") an application for approval to cancel its Certificate of Convenience and Necessity to provide water service. If the application is granted, the Company would no longer be the exclusive provider of water service within the Company's certificated area. The Commission's Utilities Division ("Staff") is in the process of reviewing and analyzing the application and has not yet made recommendations regarding the application. The Commission may consider the application without a hearing, unless a hearing is requested by a party to the proceeding.

Copies of the application are available at the Company's offices [INSERT COMPANY ADDRESS], and at the Commission's Docket Control Center at 1200 West Washington, Phoenix, Arizona, and at 400 West Congress, Suite 218, Tucson, Arizona, and on the internet via the Commission's website ([www.azcc.gov/](http://www.azcc.gov/)) using the e-Docket function.

Written public comments may be submitted by mailing a letter referencing Docket No. **W-20553A-16-0093** to Arizona Corporation Commission, Consumer Services Section, 1200 West Washington, Phoenix, AZ 85007, or by email. For a form to use and instructions on how to e-mail comments to the Commission, go to <http://www.azcc.gov/divisions/utilities/forms/PublicCommentForm.pdf>. If you require assistance, you may contact the Consumer Services Section at 1-800-222-7000 or (520) 628-6550.

The law provides for an open public hearing at which, under appropriate circumstances, interested persons may intervene. An interested person may be granted intervention if the outcome of the case will directly and substantially impact the person, and the person's intervention will not unduly broaden the issues in the case. Intervention, among other things, entitles a party to present sworn evidence at a hearing and to cross-examine other parties' witnesses.

Failure to intervene will not preclude any interested person or entity from filing written comments in the record of the case. Interested persons also will have an opportunity to be heard at an Open Meeting of the Commission, at which time the Commission will consider a Recommended Order regarding the application.

To request intervention, you must file an **original and 13 hard copies** of a written request to intervene with Docket Control, 1200 West Washington, Phoenix, AZ 85007, **no later than August 19, 2016**. You also **must** serve a copy of the request to intervene on each party of record on the same day that you file the request to intervene with the Commission. Information about intervention and sample intervention requests are available on the Commission's website ([www.azcc.gov/](http://www.azcc.gov/)) using the "Intervention in Utility Cases" link.

Your request to intervene must contain the following:

1. Your name, address, and telephone number, and the name, address, and telephone number of any person upon whom service of documents is to be made, if not yourself;
2. A reference to **Docket No. W-20553A-16-0093**;
3. A short statement explaining:
  - a. Your interest in the proceeding (e.g., a customer of the utility, a shareholder of the utility, etc.),
  - b. How you will be directly and substantially affected by the outcome of the case, and

c. Why your intervention will not unduly broaden the issues in the case;

4. A statement certifying that you have served a copy of the request to intervene on the utility or its attorney and all other parties of record in the case; and

5. If you are not represented by an attorney who is an active member of the Arizona State Bar, and you are not representing yourself as an individual, sufficient information and any appropriate documentation to demonstrate compliance with Arizona Supreme Court Rules 31, 38, and 42, as applicable.

The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except that all motions to intervene must be filed on or before August 19, 2016.

If you do not intervene in this proceeding, you will not receive further notice of the proceedings in this docket. However, all documents filed in this docket are available online (usually within 24 hours after docketing) at the Commission's website [www.azcc.gov](http://www.azcc.gov) using the e-Docket function. RSS feeds are also available through e-Docket.

The Commission does not discriminate on the basis of disability in admission to its public meetings. Persons with a disability may request a reasonable accommodation such as a sign language interpreter, as well as request this document in an alternative format, by contacting the ADA Coordinator Shaylin Bernal, E-mail [SABernal@azcc.gov](mailto:SABernal@azcc.gov), voice phone number (602) 542-3931. Requests should be made as early as possible to allow time to arrange the accommodation.

IT IS FURTHER ORDERED that **Wayward Winds shall mail to all customers, property owners, and/or entities within its certificated area, by certified mail, a copy of this notice no later than July 22, 2016.**

IT IS FURTHER ORDERED that **Wayward Winds shall file with Docket Control a certification of mailing and a list of all property owners with the service territory on or before August 5, 2016.**

IT IS FURTHER ORDERED that notice shall be deemed complete upon mailing of this notice, notwithstanding the failure of an individual customer or property owner to read or receive the notice.

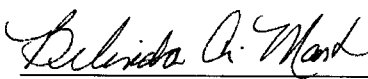
IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized Communications) applies to this proceeding.

IT IS FURTHER ORDERED that all parties must comply with the Rules of the Arizona Supreme Court and A.R.S. § 40-243 with respect to practice of law and admission *pro hac vice*.

IT IS FURTHER ORDERED that any intervention granted herein is conditioned upon the intervenor obtaining counsel to represent the intervenor if required by Rule 31 of the Rules of the Arizona Supreme Court, and such counsel filing a notice of appearance with the Commission, within 30 days of the date of the Procedural Order granting intervention.

IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend, or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

Dated this 24<sup>th</sup> day of June, 2016.


  
BELINDA A. MARTIN  
ADMINISTRATIVE LAW JUDGE

Copies of the foregoing mailed/delivered this 24<sup>th</sup> day of June, 2016, to:

Narvol D. Bales  
WAYWARD WINDS  
5416 East Highway 181  
Pearce, AZ 85625

Janice Alward, Chief Counsel  
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By:   
Amy Wilson  
Secretary to Belinda Martin